IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.1983 OF 2003

Tata Motors Ltd. Formerly
known as Tata Engineering and
Locomotive Co.Ltd. ..Plaintiff

Vs.

Malbar Automobiles P.Ltd. ..Defendant

Mr.G.R.Joshi with Mr.Avinash Joshi and Mr.Vipul Bilve i/b Mulla and Mulla for the plaintiff

None for the defendant

CORAM : S.U.KAMDAR, J
DATED : 13TH FEBRUARY, 2006

P.C.:

. By an order dt.11.10.05 in Summons for Judgment No.30 of 2005 a deposit of Rs.40.0 Lacs was directed to be made. Deposit is not made and non-deposit certificate has been issued by the Prothonotary & Sr. Master on 13.01.06. Compilation of documents are filed. The same are taken on record and marked Ex.A collectively with permission to replace the same with xerox copies. While passing the order of deposit by order dt.11.10.05 it was made clear that the plaintiffs will be entitled to decree in the present case only

for the principal amount upto the date of the suit. In that light of the matter, decree is passed for the sum of Rs.43,31,265.90 with further interest thereon @ 12% p.a. Simple Interest from the date of the suit till payment and or realisation. Suit is disposed off. Refund of court fee as per rules. No order as to costs.